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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/256,896	02/24/1999	ALEXANDER THOEMMES	30566.60US01	1431

22462 7590 03/23/2004

GATES & COOPER LLP
HOWARD HUGHES CENTER
6701 CENTER DRIVE WEST, SUITE 1050
LOS ANGELES, CA 90045

EXAMINER	
YANG, RYAN R	
ART UNIT	**PAPER NUMBER**
2672	13

DATE MAILED: 03/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Response to Reply Brief

1. The reply brief filed 12/22/2003 has been entered and considered. The application has been forwarded to the Board of Patent Appeals and Interferences for decision on the appeal.

Response to Arguments

2. As per claims 36 and 38, appellant alleges Venolia fails to teach "after a command is received to move a cursor near the data point". In reply, examiner consider the statement "the user drags a vertex of a display towards the vertex of another object displayed in a scene" (column 12 , line 6-8) as a movement of a cursor, the dragged vertex is the cursor position (column 12, line 14), since the distance of "near" cannot be quantified, examiner consider movement around the distance of magnetic attraction is pretty near.

As for alleged only one vertex is under the control of the cursor, examiner consider a polygon has a plurality of vertices. If one vertex is dragged, the other vertices have to be dragged along, or the polygon will be deformed. Therefore, when one vertex of a polygon is acquired, a plurality of vertices, as well as the polygon is considered acquired.

Appellant alleges Venolia fails to disclose acquisition of the data point after a cursor moves near the data point. In reply, examiner consider the magnetic attraction process qualify as a acquiring process when the cursor moves near the data point (see column 12, line 6-30).

Appellant also alleges Venolia doe not disclose acquisition of a data point only with a modifier command. Examiner consider the teaching "keyboard commands or menu selections for creating and breaking such multiple object alignments" satisfy the limitation.

3. As per claims 1, 13, 24 and 35, appellant alleges the acquisition pause time is not based on processor speed, however, this not part of claim limitation. As for the field endeavor, since both Venolia and Kimble's applications apply to acquiring a cursor, they are analogous art.

As per claims 7, 19 and 30, appellant alleges Kimble does not teach the acquisition distance is determined in accordance to magnification of a view of the object and an object type. In reply, examiner consider it obvious that acquisition distance is magnified along with magnification of object.

4. As per claims 8, 20 and 31, appellant alleges Kimble does not teach annotating a data point. In reply, examiner assert that when the cursor object is snapped to the center of icon, the icon is annotated.

5. As per claim 9, 10, 21, 22, 32 and 33, appellant alleges Kimble does not teach un-acquiring a data point. In reply, examiner consider demagnetizing is an un-acquiring process.

6. As per claim 11, appellant alleges Kimble does not teach un-acquiring time is different from acquiring time. In reply, examiner consider it inherent to distinguish acquiring time from un-acquiring time for them not to be confused.

Inquiries

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Ryan Yang** whose telephone number is **(703) 308-6133**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Michael Razavi**, can be reached at **(703) 305-4713**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Ryan Yang
March 21, 2004

MICHAEL RAZAVI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600